

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**DARREL A. WHITE,**  
**Plaintiff,**

**v.**

**OFFICER M. OWENS, et al.,**  
**Defendants.**

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**Civil Action No. 7:10-cv-00514**

**ORDER**

**By: Hon. Michael F. Urbanski**  
**United States District Judge**

In accordance with the memorandum opinion entered this day, it is hereby

**ORDERED**

that Harber's motion to dismiss is **GRANTED**; Watson and Anderson's motion for summary judgment is **GRANTED**; Owens' motion for summary judgment is **DENIED**; plaintiff's motion for summary judgment is **DENIED**; and the Clerk **SHALL** set this matter for a seven-member jury trial in the Big Stone Gap Division. Plaintiff's remaining claims are against Owens for excessive force, in violation of the Eighth Amendment, and assault and battery, in violation of Virginia law.

The Clerk is directed to send a copy of this order and the accompanying memorandum opinion to plaintiff and counsel of record for the defendants.

Entered: August 19, 2011

*/s/ Michael F. Urbanski*

Michael F. Urbanski  
United States District Judge